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Of Legislative Histories and Librarians*

Stephen G. Margeton**

Professor Margeton outlines the history of federal legislative history research, tracing the achievements of Washington, D.C., area law librarians and the Law Librarians' Society of the District of Columbia in compiling legislative histories, creating cooperative programs, and improving access to congressional materials.

I. Introduction

From somewhat humble beginnings in the post-New Deal era, law librarians in Washington, D.C., have made collecting legislative history documents and building extensive collections of congressional enactments a career avocation. This brief history highlights some major developments during the past fifty years and recognizes legislative librarians who have made notable contributions.

Today it is not unusual for law firms in the Washington area and, occasionally, elsewhere to employ librarians to follow legislative developments in the United States Congress. These legislative professionals keep abreast of the daily activities of the House of Representatives and the United States Senate and familiarize themselves with the individual work of congressional committees and innumerable subcommittees. Besides monitoring legislative initiatives, each librarian is responsible for ensuring that important congressional hearings, bills, prints, and reports are obtained and incorporated into privately prepared statutory histories.

Having one's own librarian follow Congress was not always the practice. Only after the flurry of New Deal legislation in the later 1930s did firms and federal agencies begin to acknowledge the importance of using legislative history as a research tool. Even then, however, few considered it a high enough priority to train a staff person to carry out this important library function.

* © Stephen G. Margeton, 1993. The author wishes to express gratitude to the law firm of Covington & Burling for making its research collection available, and to library directors Ellen P. Mahar and Jack S. Ellenberger for sharing anecdotes and lending support.

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In those early days, procuring such documents as the prints and reports accompanying a revenue measure¹ was an activity most likely undertaken by an attorney, who laboriously read the daily *Congressional Record* to select one or two recently introduced bills of particular interest. A messenger might then be dispatched to the House or the Senate document room to fetch the desired legislation. If the attorney was fortunate enough to have friends in high places, the messenger might go directly to a congressional committee to collect the item. Later this routine would be repeated again and again to obtain amendments, hearings, reports, prints, and other necessary documents as each became available.

During this period, completed legislative histories (i.e., enactments with all their accompanying hearings, reports, etc.) were generally few in number and informally preserved, sometimes only in file folders. Attorneys who appreciated the difficulty of obtaining, and the long-term value of preserving, the original materials sometimes arranged with a local bookbinder to provide a suitable leather or buckram binding to keep the various items together. This not only ensured the legislative history's durability, but also impressed clients who visited the firm's library where the histories were prominently displayed.

As President Franklin Delano Roosevelt's legislative programs expanded, interpreting a statute through reading the history of its passage grudgingly became more acceptable in court. The preparation of legislative histories was still largely limited to firms and agencies in Washington, D.C., however. Significant history collections in faraway cities such as New York or San Francisco were rare. This was undoubtedly influenced by both the difficulty of obtaining the documents outside of the nation's capital and the early reluctance of lawyers to focus on the important role that legislative histories were destined to play in the courts. As late as 1953, Supreme Court Associate Justice Robert H. Jackson directed the Court's attention to the difficulties that the attorneys outside of Washington had in trying to obtain legislative history materials.² In his remarks to the Court, he noted, "Counsel for the Public Utilities Commission . . . had tried without success over a period of four months to obtain the legislative

1. A [revenue] legislative history would consist of (1) the various forms of the bill—as introduced, as reported out by the House Ways and Means Committee, as passed by the House, as reported out by the Senate Finance Committee, as passed by the Senate and as agreed to in Conference Committee, plus any printed amendments and, occasionally, "committee prints," (2) hearings before the House Ways and Means and Senate Finance Committees; (3) reports by these two Committees, and (4) debates on the floor of the House and Senate.

Elizabeth Finley, *Crystal Gazing: The Problem of Legislative History*, 45 A.B.A. J. 1281, 1283 (1959).

2. U.S. v. Public Utilities Comm'n of California, 345 U.S. 295, 319 (1953) (Jackson, J. concurring).

history of section 20 of Part I of the Federal Power Act. He obtained it only four days before argument, in Washington at the Library of this Court.”³ Justice Jackson further reminded his brethren that in a case of similar import, *Panama Refining Co. v. Ryan*,⁴ which involved the unavailability of executive orders, “[t]he practice of the Federal Government relying on inaccessible law has heretofore been condemned.”⁵

Commenting on this newly kindled interest in interpreting congressional intent, the pioneering law firm librarian Elizabeth Finley wistfully stated at the 1946 American Association of Law Libraries Annual Meeting that she could “remember back in the halcyon pre-new deal days . . . when a lawyer never seemed to have any doubt about the meaning of a statute, and the courts never seemed to delve very deeply into Congressional intent. Those carefree days are gone forever. . . .”⁶

Those carefree days may have been gone, but it would be several years before the then somewhat small, established Washington, D.C., law firms and the newly chartered federal agencies would actually develop legislative history collections of significance. Finley noted that as late as 1959, the practice of compiling histories was still a “recent development; only in rare cases [would a researcher] discover a compiled history of any federal law more than twenty-five years old.”⁷

II. Law Firms

A. *Alvord & Alvord*

Several Washington law offices did avidly follow Capitol Hill, however. By doing so, perhaps, they were ahead of their time. One such firm was Alvord & Alvord. Organized in 1932, Alvord & Alvord grew to a modest size, never numbering more than twenty attorneys during its period of greatest growth. The firm practiced primarily in the government arena, and was well respected for its preeminence in the field of federal tax law.

At Alvord, as in other law firms, managing the law book collection and obtaining legislative materials was first undertaken by individual attorneys. As business grew and workloads increased, a librarian was hired to manage the firm’s book collection. Eventually, other library responsibilities

3. *Id.*

4. 293 U.S. 388 (1935).

5. 345 U.S. at 320.

6. Elizabeth Finley, *Legislative Histories*, 39 LAW LIBR. J. 161, 161 (1946).

7. Finley, *supra* note 1, at 1283.

followed, and the work of following legislation was added to the new librarian's list of duties.⁸

Alvord & Alvord was, perhaps, more fortunate than most law firms of the era. Early in the 1940s, the partnership had the vision to hire a unique and dedicated law librarian, Winifred Mary Ing, to follow tax legislation and prepare permanent histories. Ing earned her degree in library science from the George Washington University and "began her professional career as librarian of the Federal Home Loan Bank Board."⁹ When she joined Alvord & Alvord in 1943, she was the firm's first librarian. Ing quickly developed a keen sense of client interests, particularly in the tax field. During her years at Alvord, she also collected many histories documenting the creation of prominent federal agencies, including the Federal Communications Commission, the Securities and Exchange Commission, and the National Aeronautics and Space Administration. She continued to build a respectable collection of tax legislative histories, and became a "recognized authority on tax legislative matters."¹⁰ In so doing, she earned the enduring respect and admiration of the partnership.

Ing was also active in the Law Librarians' Society of the District of Columbia. She was one of its charter members, serving the organization in many capacities, and was frequently named to the Society's early legislative history committees. In 1965, after many years of service to her firm, Winifred Ing joined the staff of the Internal Revenue Service Library as assistant librarian.¹¹ At the Internal Revenue Service, she further polished her craft and indulged her passion, the preparation of tax legislative histories. After Ing's departure, Alvord & Alvord continued to recognize the importance of Ing's collection and carefully maintained it for many years. In 1989 the firm donated the collection to the Robert J. White Law Library at Catholic University.¹²

8. Finding a librarian interested in following legislation is not always easy. For an interesting discussion of likely candidates, see Maureen McCauley, *In Search of a Legislative Librarian*, LAW LIBR. LIGHTS, Sept./Oct. 1985, at 6 (publication of the Law Librarians' Society of Washington, D.C.). See also Robert K. Oaks, *Legislative Librarians Decode the Ways of Congress*, LEGAL TIMES, June 14, 1982, at 15.

9. *In Memorium*, LAW LIBR. LIGHTS, Sept. 1970, at 8.

10. *Id.* See also *News of Members*, LAW LIBR. LIGHTS, Sept. 1969, at 3 (stating that Winifred Ing addressed the Fourth Annual Workshop for Pennsylvania Law Librarians on the topic, "Tax Tools," on Apr. 24, 1969, at Harrisburg, Pennsylvania).

11. *In Memorium*, *supra* note 9.

12. Most of the volumes in the collection were originally prepared by Winifred Ing. Each history contains the texts of key bills, House and Senate reports, amendments, congressional debate, final enactment, and an occasional presidential message. The fact that these materials are all original documents, individually collected and organized by Ing, increases their personal value to the library.

B. *A Legend at Covington and Burling: 1943-1963*

Although relatively few firms organized complete legislative history programs in the early 1940s, one partnership, the venerable Washington establishment of Covington and Burling, took the lead and played a major role in this area.¹³ Covington and Burling had been long respected for its rigorous attention to monitoring Congress, attending hearings, and following debate on Capitol Hill. In so doing, it provided its clients with outstanding legislative reporting and in-depth bill analysis. As client interests expanded during the decade and a half following the New Deal, it became economical to hire a librarian to oversee the expanding legislative history program.¹⁴ Covington's eventual success in coordinating a legislative tracking system and developing a library that "in time would be the firm's most important single asset,"¹⁵ is attributable to its first librarian, Elizabeth Finley.¹⁶

At long last, in the fall of 1942, the firm decided that it should have a librarian. True librarians were a rare breed among law firms of that day; save for a few in New York City, they were virtually unknown. It was even more than the firm's usual good fortune—it truly was miraculous—that, at once on the word's getting out that the firm was seeking a librarian, Elizabeth Finley appeared.¹⁷

Under Finley's direction, Covington and Burling created not only one of the finest law libraries in Washington, D.C., but also developed a nationally recognized program for following legislation.¹⁸

One of [Finley's] first projects . . . was the compilation of legislative histories of statutes of special importance to the firm. Not only did she

13. The law firm was founded in 1919 "through the joint efforts of Judge T. Harry Covington and Edward B. (Ned) Burling. . . . Judge Covington had been Chief Judge of what was then called the Supreme Court of the District of Columbia. . . . Burling was a pre-eminent Chicago lawyer who had been called to Washington to serve on the United States Shipping Board during World War I." Jack S. Ellenberger, *Profiles of Washington Law Libraries: The Library of Covington & Burling*, LAW LIBR. LIGHTS, Mar. 1972, at 3.

14. "Student clerks had the job of attempting to keep books properly shelved. Still there was one vital library function for which there was no provision whatever: that of an orderly scrutiny of day to day outputs by Congress and the agencies and prompt securing of pertinent material." HOWARD C. WESTWOOD, COVINGTON & BURLING 1919-1984, at 89 (1986).

15. *Id.* at 87.

16. "Elizabeth Finley, [formerly] librarian for Root, Clark, Buckner & Ballentine of New York City . . . [accepted] the position as librarian and office manager for the firm of Covington, Burling, Rublee, Acheson & Shorb of Washington, D.C." *Current Comments*, 35 LAW LIBR. J. 506, 506 (1942).

17. WESTWOOD, *supra* note 14.

18. "Elizabeth was forever an innovator while others tarried [S]he was avidly collecting New Deal legislation in New York when its lawyers and broker could scarcely bring themselves to read it, let alone comprehend its powerful effects." Jack Ellenberger, *Memorial: Elizabeth Finley*, 73 LAW LIBR. J. 737, 738 (1980).

cover statutes being adopted, but with great trouble she reconstructed the histories of many of the past ones. In a short time she had a collection of bound legislative histories unique in the land, often to be resorted to by staffs of government agencies, courts, and other firms."¹⁹

Finley guided this effort for more than twenty years, and in so doing, taught many other law librarians the craft. "Without question, Elizabeth Finley became the leading national authority on the ways and means of collecting and compiling U.S. legislative history."²⁰

At the heart of Finley's legislative program was a special staff of librarians who not only prepared legislative histories on request, but monitored daily congressional activity with fierce dedication.²¹ This "congressional watch" almost always included legislation affecting antitrust, tax, food and drug, and other measures relating to trade regulation.

Another secret of Finley's success was her ability to recognize that a legislative history program needed its own library work area, a space set aside for ordering and sorting materials and for preparing documents for binding. The binding process itself was indicative of the Finley touch. Each legislative history was prepared using a standard arrangement for the documents and preprinted tab cards as dividers. After the materials were properly arranged, they were permanently bound.²² Permanent binding proved to be a great asset in preserving the collection, for it meant that the same legislative materials could be used over and over again without fear of rapid deterioration. Many D.C. law firm librarians later followed the Finley style, emulating not only the office design, but also borrowing the format for material arrangement and permanent binding.²³

After Finley's retirement, the Covington & Burling legislative history program was successfully carried on by Jack Ellenberger,²⁴ Ellen Mahar,²⁵

19. WESTWOOD, *supra* note 14, at 91.

20. Ellenberger, *supra* note 18.

21. Quipped Finley, "First and most important, I read the Congressional Record every day. 'Read' is probably too strong a term, as no one could really read the Record and keep his sanity. I should say I 'scan' the Record. If a bill that I think is likely to be of some permanent interest is reported, I start a file on it. Since thousands of bills are introduced and never heard of again, I usually wait until a bill has come out of Committee." Finley, *supra* note 6, at 163.

22. The usual array of dividers used by Washington law firms included preprinted tab divider pages made from light stock cardboard bearing the labels "Hearings," "Prints," "Bills," "Reports," "Laws," and "Miscellaneous." Colors of tabs and of the binding used for the histories varied according to the tastes of each law firm.

23. The author introduced this system of history preparation to the law firm of Steptoe & Johnson in 1973. Various paper supplies were purchased in bulk at a local print shop at what was considered to be a substantial sum to invest in library materials at the time.

24. Librarian of Covington & Burling from 1963 until 1978; currently, Director of the Libraries, Shearman & Sterling, New York City.

25. Librarian of Covington & Burling from 1978 through 1991.

and legislative librarians Ronald Seele²⁶ and Charlotte White.²⁷ Each successive librarian continued to ensure that client interests were served and that the collection grew. Today Covington & Burling's legislative history collection is widely recognized as one of the foremost compilations in the Washington legal community, if not the nation.

C. Arnold & Porter: 1960s

Another large Washington, D.C., law firm, justly proud of its legislative history collection and its dedication to serving client legislative interests, is Arnold & Porter.²⁸ Although in the early 1970s the firm still had not grown beyond 100 attorneys, Arnold & Porter had developed a highly specialized library and legislative history department. Unlike Covington and Burling's walnut-paneled library on Sixteenth Street, Arnold & Porter's library was located in an English basement in one of several quaint townhouses located on N Street, N.W., which was then part of the firm's headquarters.²⁹ The library was somewhat cramped, and generally not conducive to easy legislative history preparation. However, the firm's librarian, John Whelan, a former government librarian with significant experience in legislative document management, did not let these unusual conditions deter him from organizing a strong legislative history program.³⁰ Whelan was also instrumental in promoting the sharing of legislative history materials among his colleagues.

At Arnold & Porter in those days, upon entering the area assigned to the legislative librarian, a visitor frequently encountered voluminous mailing envelopes all bearing Arnold & Porter return address labels. These

26. Legislative librarian at Covington & Burling, 1972-1976; currently, legislative librarian, Arnold & Porter, Washington, D.C.

27. Currently, Covington & Burling legislative librarian.

28. The firm of Arnold & Porter was organized in January 1946, with Judge Thurman Arnold and Abe Fortas forming a partnership. Paul Porter joined the firm in 1947, and the firm name became Arnold, Fortas & Porter. The time was propitious for law practice in Washington. The country was struggling under the mass of rules, regulations and restrictions which World War II had spawned. . . . When the Honorable Abe Fortas left the firm to become Associate Justice of the Supreme Court in 1966, the name changed to Arnold & Porter.

John F. Whelan, *Profiles of Washington Law Libraries: Arnold & Porter*, LAW LIBR. LIGHTS, Jan. 1971, at 3.

29. "Arnold & Porter continues to house itself," wrote firm librarian John Whelan, "in a series of old townhouses on N Street, Northwest. The main building, 1229 Nineteenth Street, Northwest, was once the home of Teddy Roosevelt, and it is [the firm's] understanding that Justice Holmes was a frequent visitor." *Id.* at 4.

30. In early 1972, when the author first undertook a legislative history program at the law firm of Steptoe and Johnson, Whelan also provided useful observations about how to secure and organize hard-to-obtain congressional documents.

self-addressed mailing labels were sent to the House and Senate document rooms each day with specific requests for documents. The envelopes which returned to the firm were literally bulging with bills, hearings, prints, and reports. The documents were all destined to be organized, filed, and eventually bound into legislative histories on tax, trade, communications and other client-related projects. This was a tedious and time-consuming operation, but for many librarians this was, and still is, how congressional documents are procured in Washington.³¹

The townhouse remained home for the Arnold & Porter collection for a number of years until the library made a series of interim moves in the mid-1970s to nearby quarters. In 1981, the firm finally took up residence in plush new office space several blocks away. The firm's well-respected legislative history program was now housed in a handsome new library with adequate space for staff and a substantial statutory collection.

D. Other Firms in the Legislative Ranks

During the mid-1960s and early 1970s, a host of other well-established Washington law firms joined the legislative ranks. Each developed an effective legislative history program and built voluminous collections in the process. These firms included Arent, Fox, Kintner, Plotkin & Kahn; Hogan & Hartson; Kirkland, Ellis & Rowe; Howery and Simon; Shea & Gardner; Sutherland, Asbill & Brennan; and Wilmer, Cutler and Pickering.

Although many of these firms focused on some of the same legislative matters, each collection inevitably retained its own special identity. This was determined by the firm's client list, and, in turn, the client's business on Capitol Hill. The firm of Arent, Fox, Kintner, Plotkin & Kahn, led by former Federal Trade Commissioner Earl Kintner, specialized in all aspects of trade regulation, while Sutherland, Asbill & Brennan was well known in librarian circles for its excellent tax legislative history collection. Kirkland, Ellis & Rowe, a Washington branch office of a large Chicago law firm, followed communications bills, and Hogan & Hartson monitored securities, trade, and tax measures.

Also joining the cadre during this period were Shaw Pittman Potts & Trowbridge, Steptoe & Johnson, and the Washington, D.C., branch office of Philadelphia's Morgan, Lewis & Bockius. Each began a similar legislative history program or expanded an existing modest effort.

31. For example, in 1970, during the second session of the 91st Congress, 7,487 bills and resolutions were introduced. *Session Summary*, 26 CONG. Q. ALMANAC 22 (1970). Of course, many bills are duplicates of similar measures introduced in one or both Houses, and relatively few bills make it through the entire legislative process to be enacted into public law.

III. Federal Agencies and Legislative Histories

Just as law firms actively engaged in early “bill watching,” so, too, did a number of federal agencies. Although the agencies frequently did not have the manpower or the budgets to follow every legislative enactment, several did devote significant staff hours to collecting and binding individual histories of statutes within their areas of agency responsibility. In so doing, each built a respectable legislative history collection.

The United States Civil Service Commission Law Library was one such federal agency. A profile of the library written in 1970 indicates that by this time the Commission’s library already included “a comprehensive collection of 1,300 legislative histories on every major law involving federal personnel.”³² The library staff not only furnished completed legislative histories for staff attorneys, but also provided other useful monitoring services. They read the *Congressional Record* on a daily basis and prepared a selective digest on Civil Service legislation, which was distributed to all staff members for current awareness. Materials used in preparing the digest also provided a running record on the bill for reference purposes and were referred to in the final history compilation process after the law was passed. Finally, the library staff prepared “analytics for . . . appropriation hearings showing statements relating to federal personnel.”³³

The United States Department of Health, Education and Welfare similarly developed a substantial collection of bound histories. By 1971 the library collection consisted of some “700 legislative histories, including departmental circulating editions of the Social Security Act of 1935 and its amendments. The legislative histories [were] compiled by the Legislative Materials Branch and coordinated and bound by the library.”³⁴

The Office of Management and Budget Library also maintained a prestigious collection. “Legislative histories of all reorganization proposals and special commission studies [were included, as were] histories of all appropriations acts since the Budget and Accounting Act of 1921.”³⁵

The General Accounting Office (GAO) began one of the most extensive legislative history collections in the city of Washington. In 1921 GAO began compiling histories of all public laws for use by its legislative and

32. *Profiles of Washington Law Libraries: U.S. Civil Service Commission Law Library*, LAW LIBR. LIGHTS, Nov. 1970, at 5.

33. *Id.*

34. *Profiles of Washington Law Libraries: U.S. Department of Health Education and Welfare Law Collection*, LAW LIBR. LIGHTS, Jan. 1971, at 6, 7.

35. *Profiles of Washington Law Libraries: The U.S. Office of Management and Budget Library*, LAW LIBR. LIGHTS, Nov. 1972, at 3, 4.

legal staffs. Initially, the Office of the General Counsel was responsible for preparing the histories, but, "in 1981, the legislative history function at GAO was transferred from the Office of General Counsel to the law library. The library staff continued to prepare a legislative history of every bill, beginning with the 97th Congress, and [planned to transfer] the public law histories from paper copy to microfiche."³⁶ Further plans to duplicate these filmed histories for sale to the public seemed quite uncertain during this period, however.³⁷

At the Library of Congress, staff and patrons worked with a variety of publicly available sources to create legislative histories on demand. For even the most experienced legislative researcher, this was often a time-consuming process. The Law Library of Congress had one of the best in Eugene Nabors, who joined the Library in the early 1950s and eventually until attained the rank of Reference Librarian for Legislative History.³⁸

From the 1950s through the 1970s, and indeed until the Law Library's dramatic relocation to the new Madison Building, most of the Library's legislative materials were located in an ornate gallery surrounding the main reading room of the Library of Congress's Jefferson Building. All necessary finding tools also lined the gallery level, and still more documents could be found on the adjacent deck areas.

Without fail, those needing legislative research assistance made their way up to the gallery to find the collection and its keeper, Eugene Nabors.

His patrons [included] Senators and Representatives, Congressional staff, attorneys and law students, social scientists, and average citizens, who [wandered] into the library and [asked] about the latest retirement benefits authorized by Congress. Nabors has uncovered copies of bills, yellowed with age, for which the Library of Congress may well have the last remaining paper copy in existence.³⁹

Nabors was "unfailingly helpful, patient and courteous. He knew his collection, and he knew how to match users with information."⁴⁰ The documents he mastered were not mystical, but Nabors possessed a certain wizardry in the way he put together the right bills and amendments, hearings and reports, and congressional debate in proper sequence. Frequently, Nabors would be called upon to search through materials

36. The retrospective microfiche set began with the 65th Congress (1921), but was somewhat incomplete during the twenties, thirties, and early forties. About 1944, however, it became "progressively more complete." Phyllis Christenson, *Government Documents: SIS*, LAW LIBR. LIGHTS, Sept. 1981, at 5, 5.

37. *Id.*

38. Eugene Nabors was also the author of *LEGISLATIVE REFERENCE CHECKLIST: THE KEY TO LEGISLATIVE HISTORIES FROM 1789-1903* (1982).

39. Oaks, *supra* note 8, at 18.

40. Joanne Zich, *Eugene Nabors: An Appreciation*, LAW LIBR. LIGHTS, Mar./Apr. 1989, at 31.

covering the formative period of our nation's congressional history, before the *Congressional Record*, even before the establishment of the Government Printing Office, when Greely⁴¹ and Poore⁴² seemed to be the only scribes interested in indexing the wealth of our nation's output.

IV. Union List of Legislative Histories

According to Elizabeth Finley in the mid-1940s, the real difficulty in compiling histories of past laws is that even if researchers have the citations to all the materials they need, they will be unable to find most of the materials.⁴³ This problem had been recognized by the Law Librarians' Society of Washington, D.C., which undertook the compilation of a union list of legislative histories available in the District of Columbia.⁴⁴ Then, as now, law librarians in the Washington area constantly received patron requests for legislative histories, but not every library could collect and bind every statutory history it might require for current and future use. With so many statutes under scrutiny and their histories frequently requested, it was natural for librarians to want to share their research efforts with one another and avoid duplication.

The first "Union List of Legislative Histories," initiated in 1946 by a Special Committee on Legislative Histories of the Law Librarians' Society of the District of Columbia, appeared as a two-part article in *Law Library Journal*.⁴⁵ In the foreword, Chair Margaret H. James, Librarian of the Claims Division of the U.S. Department of Justice, indicated that the libraries "gave a splendid response. . . . The first section locates the cooperating libraries, gives some idea of the type of material they prepare and describes the conditions under which they allow their legislative histories to be used. . . . The second part of the compilation [is] a chronological list of all legislative histories."⁴⁶ Included in the Union List were completed histories from the 59th through the 79th Congresses from twenty-three contributing libraries. Among them were the U.S. Department of Agriculture, the Civilian Production Administration Law Library, the

41. ADOLPHUS WASHINGTON GREELY, *PUBLIC DOCUMENTS OF THE FIRST FOURTEEN CONGRESSES 1789-1817* (1900).

42. BENJAMIN PERLEY POORE, *A DESCRIPTIVE CATALOGUE OF THE GOVERNMENT PUBLICATIONS OF THE UNITED STATES, SEPT. 5, 1774 - MARCH 4, 1881* (1885).

43. Finley, *supra* note 6, at 164.

44. *Id.*

45. Special Committee on Legislative Histories of the Law Librarians' Society of the District of Columbia, *Union List of Legislative Histories*, 39 *LAW LIBR. J.* 243 (1946) [hereinafter *Union List I*]; [Special Committee on Legislative Histories of the Law Librarians' Society of the District of Columbia,] *Union List of Legislative Histories*, 40 *LAW LIBR. J.* 62 (1947).

46. *Union List I*, *supra* note 45, at 243.

Federal Trade Commission Library, the Tax Court of the United States Library, and even the Library of the Supreme Court of the United States. Committee members for this herculean effort were H. Charles Hallam, Supreme Court Library; Rebecca Notz, Legislative Reference, Library of Congress; Minnie Wiener, Federal Works Agency; and Annie S. Wright, from the U.S. Maritime Commission. Not surprisingly, because so few law firms had librarians during this early period, only one, Covington & Burling, was represented in this first union list.

In 1950 a recompiled edition of the Union List, covering the 59th through 80th Congresses (1906-1948) was published as an individual volume.⁴⁷ It proved so successful that a supplement was issued in 1954, bringing the former list up-to-date.⁴⁸ By 1959 a second edition was published, which included histories as early as 1881.⁴⁹

The 1959 edition was followed by several mimeograph and typescript supplements, which included bills from the 87th, 88th, and 89th Congresses. Finally, the whole project was referred to the Society's Publication Committee for review.⁵⁰ The result of the review was the third edition of the Union List,⁵¹ comprising some 360 pages and including "more than 10,000 holdings of legislative histories involving approximately 5,000 federal statutes . . . ranging from the 47th Congress (1881) through the 89th Congress (1966)."⁵² With the third edition, an attempt at more frequent updating was undertaken by publishing the volume in looseleaf format.

The fourth edition of the Union List came out in 1974;⁵³ it included materials through the 91st Congress (1970) and was the first edition to include legislative histories on microform, representing the "holdings of the subscribers to the Indian Head (formerly NCR Microcard Division) legislative history subscription service."⁵⁴

Today, the Union List is in its sixth edition.⁵⁵ The list of available histories is still compiled by the Law Librarians' Society, but it is now

47. SPECIAL COMMITTEE ON LEGISLATIVE HISTORIES OF THE LAW LIBRARIANS' SOCIETY OF WASHINGTON, D.C., *UNION LIST OF LEGISLATIVE HISTORIES* (1950).

48. See *LAW LIBR. LIGHTS*, Mar. 1959, at 2; John F. Whelan, Book Review, 53 *LAW LIBR. J.* 63 (1960) (referring to the 1954 supplement).

49. *LAW LIBRARIANS' SOCIETY OF THE DISTRICT OF COLUMBIA, UNION LIST OF LEGISLATIVE HISTORIES, 1881-1958* (2d ed. 1959). See Whelan, *supra* note 48, at 63.

50. *Report of the Committee on Legislative History*, *LAW LIBR. LIGHTS*, May 1967, at 11.

51. *LAW LIBRARIANS' SOCIETY OF THE DISTRICT OF COLUMBIA, UNION LIST OF LEGISLATIVE HISTORIES* (3d ed. 1967).

52. *LAW LIBR. LIGHTS*, Nov. 1967, at 3 (advertisement).

53. *LAW LIBRARIANS' SOCIETY OF THE DISTRICT OF COLUMBIA, UNION LIST OF LEGISLATIVE HISTORIES* (4th ed. 1974).

54. *Annual Reports: Legislative Histories Subcommittee*, *LAW LIBR. LIGHTS*, May 1974, at 7.

55. *LAW LIBRARIANS' SOCIETY OF THE DISTRICT OF COLUMBIA, UNION LIST OF LEGISLATIVE HISTORIES* (6th ed. 1991).

published by the Fred B. Rothman Company of Littleton, Colorado. Although history citations are no longer quantified, today the publication contains more than 600 pages, encompassing public laws all the way up to and including the 101st Congress (1990).

V. Published and Filmed Legislative Histories

During the early period of legislative history research in Washington, D.C., librarians occasionally compiled histories of important legislation and had them published as a public service. Elizabeth Finley recognized the contributions of law librarians in 1959, noting that “[s]ome histories . . . compiled by law librarians have been published by the Government Printing Office; for instance the Labor Management Relations Act of 1947 and the Atomic Energy Act of 1954.”⁵⁶

In several instances, histories of significant enactments were prepared by librarians to serve a current and expanding need. Jack Ellenberger and Ellen Mahar, for example, prepared a complete set of legislative history materials encompassing the enactment of the Securities Act of 1933 and the Securities and Exchange Act of 1934.⁵⁷ Both histories were later made available for sale and the receipts directed to local Society scholarships.⁵⁸

But neither the scattered compilations of important regulatory acts, nor the widely used Union List of Legislative Histories could entirely satisfy the demand by firms, associations and academic libraries to add important histories to their research collections. To increase the availability of these materials to a wider audience, commercial publishers and microfilm companies temporarily filled the gap.

In 1959 Finley recounted that one of the first publishers to film legislative materials was Matthew Bender. Bender's first venture was the early microcard edition of the famous Carlton-Fox collection of legislative histories of the internal revenue laws. Beginning with the 82d Congress in 1952, Bender also prepared a “microcard edition of selected legislative histories compiled by the law librarians in Washington, D.C.”⁵⁹ This project, according to the committee which coordinated the selection of histories, appeared to “present more questions than answers and more problems than solutions.”⁶⁰ But the Committee persevered with the

56. Finley, *supra* note 1, at 1283.

57. JACK S. ELLENBERGER & ELLEN P. MAHAR, *LEGISLATIVE HISTORY OF THE SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934* (1973).

58. *Society Receives Royalty Check*, LAW LIBR. LIGHTS, Sept. 1974, at 2.

59. Finley, *supra* note 1, at 1283. See also *Royalty Payment Received for Legislative History Service*, LAW LIBR. LIGHTS, Mar. 1972, at 7.

60. *Report of the Legislative History Committee 1960-1961*, LAW LIBR. LIGHTS, May 1961, at 6.

selection process, and Microcard Editions flourished modestly into the 1970s.

A more ambitious attempt to film histories, which also provided for a healthy royalty rebate, began in 1970, as a result of a contract between the Law Librarians' Society of the District of Columbia and NCR Microcard Corporation, later known as Indian Head. This project was ably guided by Jack Ellenberger, library director of Covington & Burling. Under the new contract, NCR arranged to film and sell the legislative history collections of the law firms of Covington & Burling, Shea & Gardner, and the U.S. Department of Agriculture Library. By 1972 there were some fifty subscribers to the service.⁶¹ The filmed legislative history enterprise continued to be a source of royalty income for the local and national associations until 1978.

In another development during this period, the Government Printing Office contracted with a vendor to film the entire legislative collection of the General Accounting Office library, although, after many difficulties and delays, the project was abandoned in 1981.⁶² This ambitious endeavor, however, would gestate for another decade before a new contract would be let.⁶³

VI. Indexing, Abstracting, and Automation

One of the earliest libraries to use computers to track congressional documents was the Atomic Energy Commission library. In a 1967 news note, the Commission library staff discussed its new computer system, which had been inaugurated in 1965:

This system provides for printing of a catalog, subject indexes, announcements, and legislative histories. The catalog [is] arranged by document number, [and] includes date of document, originator, title, subject headings and related document numbers. The catalog tape is also used to produce a weekly list of select current legislation. All the documents cataloged are automatically entered into the legislative history system which records the document number, date, status code, related documents, indication of action, identical bills, substitution of clean bills, etc.⁶⁴

61. *Royalty Payment Received for Legislative History Service*, *supra* note 59.

62. Christenson, *supra* note 36.

63. In 1991 a new contract for filming the General Accounting Office collection was awarded to the Remac Information Corporation. Remac indicates that there are more than 43,000 fiche in the collection covering some 6,422,000 pages of laws and related documents. *Remac Puts Legislative Histories on Microfiche*, INFO. TODAY, Dec. 1990, at 2.

64. *AEC Legislative History System*, LAW LIBR. LIGHTS, Sept. 1967, at 3.

At the time, the Commission believed that it was the only agency using electronic data processing to record document information, and it suggested that interagency cooperation might eliminate much duplication of effort.

By the mid-1960s, Congress itself was also investigating the advantages of applying automation to its massive bill tracking operation. As a result, the Bill Status system, designed to monitor the daily progress of all federal legislation, was introduced in 1973. "Bill Status was one of the first automated information systems of Congress."⁶⁵ Its primary purpose was to provide quick access to legislative action, "usually within twelve hours after the action occurred."⁶⁶ Bill Status was actually not one system but three separate pooled resources created by the House of Representatives, the Senate, and the Library of Congress. Each organization shared the legislative database, and each provided unique information products and services to its own patrons.

The basis for the system came from the House of Representatives and the Senate Computer Center, "which created computer tapes of all official actions taken within chambers."⁶⁷ The Library of Congress Legislative Reference Service (later changed to the Congressional Research Service) developed the bill digests, abstracts, and indexing.⁶⁸

Patrons using the system, who were at first only the members of Congress or their staffs, could search for bills by number, sponsor, and index term. The system also included summaries of proposed legislation, each bill's status as it progressed through chambers, retrospective related measures, and aggregate voting totals.

With the exception of the Atomic Energy Commission, the United States Congress, and the Library of Congress, federal agencies were generally slow to embrace computerization to track legislation. It also would be several years before automated access to congressional material would reach a mass audience. Finally, software vendors sensed a vacuum and realized the great potential for computerized bill tracking systems. Through trial and error, vendors soon developed abstract and full-text systems to cope with storage and retrieval of congressional bills, amendments, and reports. The immediate promise of these new electronic

65. UNITED STATES CONGRESS, OFFICE OF TECHNOLOGY ASSESSMENT, *INFORMING THE NATION: FEDERAL INFORMATION DISSEMINATION IN AN ELECTRONIC AGE 190-91* (1988).

66. *Id.*

67. *Id.*

68. *Id.*

services was to reduce some of the daily drudgery of paper-product driven legislative research and enable librarians to muster bills, reports, and other congressional documents through their computer keyboards.⁶⁹

The 1970s also ushered in a new era in congressional document indexing. Entrepreneur Richard Adler organized the first truly viable indexing system to cover all of Congress's daily output of hearings, prints, and reports, the *Congressional Information Service Index and Abstracts*. Speaking on a panel entitled "Identifying and Acquiring Federal Government Documents" at the 1972 annual meeting of the American Association of Law Librarians, Adler remarked that the success of his new publishing venture rested on the underlying assumption that it fulfilled a legislative history indexing vacuum by attempting to: (1) collect and maintain all congressional documents; (2) classify the documents; (3) catalog the documents; (4) analyze and abstract them; (5) index each document and produce a computerized database to generate the publication of the index and abstracts; and (6) microfilm each document for sale to libraries.⁷⁰

As a result, hearings, prints, and reports could now be easily identified through regularly updated indexes and accompanying abstracts. Some librarians also adopted the CIS classification system in lieu of individually cataloging all hearings and reports. The application of this classification scheme to bound and unbound hearings proved to be another useful CIS innovation.

VII. Conclusion

Washington's legislative librarians have been around for more than half a century. They were among the earliest "bill watchers" and among the first to realize that amendments, prints, reports, when coupled with the *Congressional Record*, were frequently keys to unlocking the mysteries on Capitol Hill. These same librarians were instrumental in developing programs to preserve legislative documents in permanent collections. Thus, Washington's unique law libraries have earned a well-deserved reputation for housing the finest collections of legislative histories in the United States.

69. See generally Rhonda Oziel, *Monitoring and Researching Legislative Information Online*, LAW LIBR. LIGHTS, Sept./Oct. 1985, at 4; Stephen Mellin, *Full Text Availability of U.S. Congressional Documents Online*, LAW LIBR. LIGHTS, Jan./Feb. 1989, at 6; Richard J. McKinney, *Sources of Online Legislative Information*, LAW LIBR. LIGHTS, Nov./Dec. 1991, at 18.

70. *Identifying and Acquiring Federal Government Documents*, 65 LAW LIBR. J. 415, 416-17 (1972).

But these pioneers went further. They understood the need to share freely their unique resources, first informally and later through an extensively annotated Union List. Their inquiring minds and practical know-how set a fine example for publishers and vendors who would follow.

Yet, with the explosion of computer-assisted research in the 1980s, one wonders whether software vendors have made these venerable methods of compiling legislative history obsolete. A prudent response is probably yes and no. Undoubtedly, traditional methods of legislative history compilation will still continue to supplement electronic research. And, yes, original congressional bills, prints, and reports will likely remain materials of first choice, and, of course, the paper edition of the *Congressional Record* will continue to wend its way to hundreds of Washington offices each morning. New and yet-to-evolve methods of electronically tracking legislation will certainly complement these efforts, and in doing so, offer new and exciting challenges for legislative history librarians of the 1990s.

